



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,001	02/08/2002	Albert Charles McNamara	P-1090099(REISSUE)	1978
7590	11/26/2004		EXAMINER	
JACKSON WALKER, LLP 112 E. PECAN ST., SUITE 2100 SAN ANTONIO, TX 78205			SIMONE, TIMOTHY F	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>[Handwritten signature]</i>
---------------------------------	-------------	---	---

EXAMINER

ART UNIT      PAPER

1104

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Timothy F. Simone  
Primary Examiner  
Art Unit: 1761

## OFFICE ACTION

The amendment filed November 08, 2004 proposes amendments to the claims that do not comply with 37 CFR 1.173, which sets forth changes shown by markings in reissue applications. A supplemental paper correctly amending the reissue application is required.

Pursuant to 37 CFR 1.173, any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

(1) An amendment of a "new claim" (i.e. a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended "new claim" containing the amendatory material, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all changes in the reissue are made vis-à-vis the original patent, and not in comparison to the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim, applicant must point out what is changed in the "Remarks" portion of the amendment or by a marked-up copy of the amended claims. Also, per 37 CFR 1.173(c) and as noted above, each change made in the claim must be accompanied by an explanation of the support in the disclosure of the patent for the change. Note the amended claims appearing in the amendment filed November 08, 2004 lack the required underlining. See MPEP 1453.

Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 521-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy F. Simone  
Primary Examiner  
Art Unit 1761